

<b>RESPONSE TO NOTICE TO FILE MISSING PARTS</b>	Attorney Docket No.	392.1872
	Application Number	10/776,248
	Filing Date	February 12, 2004
	First Named Inventor	Toshiaki OTSUKI, et al.
	Group Art Unit	3723

Title: NUMERICAL CONTROL DEVICE, AND NUMERICAL CONTROL METHOD

Pursuant to 37 C.F.R. § 1.53(f) and in response to the U.S. Patent and Trademark Office Notice to File Missing Parts of Nonprovisional Application mailed October 18, 2004 for the above-identified application, enclosed are the following:

- ☒ RETURN COPY of Notice to File Missing Parts of Nonprovisional Application
- ☐ Executed Combined Declaration/Power of Attorney executed by the inventor(s) for completing the missing parts of the subject application. The undersigned registered attorney states that the subject application is the application which the inventor(s) executed by signing the attached Declaration.
- ☒ Formal Drawings (1 Sheets; Figs 13)
- ☐ English-language translation of application (with Translator's Statement (pages \_\_\_))
- ☐ Verified Statement Claiming Small Entity Status

Enclosed is a payment of the following:

- ☐ The filing fee as set forth in 37 C.F.R. § 1.16(a) \$
- ☐ The additional claim(s) fee ( claims over 20) \$
- ☐ The additional independent claim(s) fee ( claims over 3) \$
- ☐ Multiple dependent claims \$
- ☐ Petition for Extension of Time (    -month) \$
- ☐ English language translation fee \$
- ☒ Surcharge as set forth in 37 C.F.R. § 1.16(e) \$130.00

**SUBTOTAL FEES:** \$130.00

- ☐ Reduction by 50% for filing by small entity (37 CFR 1.27) .00

**SUBTOTAL FEES:** \$130.00

**TOTAL FEES DUE:** \$130.00



Since the Notice to File Missing Parts of Nonprovisional Application set an original due date of December 18, 2004, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$450)); (3 months (\$1,020)); (4 months (\$1,590)); (5 months (\$2,160)):

#### METHOD OF PAYMENT

- ☒ Check enclosed as payment.  
☐ Charge "TOTAL FEES DUE" to the Deposit Account No. 19-3935, below.


#### AUTHORIZATION

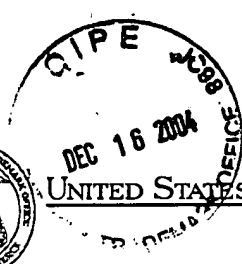
- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees under 37 CFR 1.16 or 1.17 necessary to maintain pendency of the present application to:

Deposit Account No.: 19-3935

Deposit Account Name: STAAS & HALSEY LLP

#### SUBMITTED BY: STAAS & HALSEY LLP

Typed Name	H. J. Staas	Reg. No.	22,010
Signature		Date	Dec. 16, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/776,248	02/12/2004	Toshiaki Otsuki	392.1872

CONFIRMATION NO. 4162

## FORMALITIES LETTER



\*OC000000014121580\*

21171  
 STAAS & HALSEY LLP  
 SUITE 700  
 1201 NEW YORK AVENUE, N.W.  
 WASHINGTON, DC 20005

Date Mailed: 10/18/2004

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 13 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

P. Phuong

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE